UNPBO STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450

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Alexandria, VA 22313-1450

OCT 1 9 2007

In re Application of

CIHLA, et al.

Application No. 10/690,924 Filed: October 21, 2003.

NEW MORK APPLIANCE/BLAKELY

1279 OAKMEAD PARKWAY **SUNNYVALE CA 94085-4040**

Attorney Docket No. 20949P-001600US

OFFICE OF PETITIONS

DECISION ON PETITION

TO WITHDRAW

FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 27, 2007.

The request is APPROVED.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Jordan M. Becker on behalf of all attorneys of record. attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

Pétitibns Examiner Office of Petitions

cc:

JAMES L. CIHLA

7075 BROOKTREE WAY

SAN JOSE, CA 95120

CC:

LELAND WEISNER

WEISNER & ASSOCIATES 366 CAMBRIDGE AVENUE PALO ALTO, CA 94306



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOTICE OF FINAL RULEMAKING

REVISED FEE SCHEDULE

The United States Patent and Trademark Office (USPTO) has amended the rules of practice in patent cases to adjust certain patent fee amounts to reflect fluctuations in the Consumer Price Index (CPI). The USPTO is adjusting the patent fee amounts under the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act), which revised certain patent fees, and provided for a search fee and examination fee separate from the filing fee. Legislation has been enacted that extends the fee rate revisions in the Consolidated Appropriations Act.

A notice was published in the Federal Register on August 22, 2007, and in the Official Gazette of the United States Patent and Trademark Office on August 28, 2007.

Any fee amount paid on or after September 30, 2007 must be paid as shown in the revised fee schedule. However, fee amounts paid on or after the following dates for the fees below are subject to the revised fee schedule:

- November 9, 2007, for 37 CFR 1.445(a)(2) and (3);
- November 10, 2007, for 37 CFR 2.6(a)(9); and
- November 15, 2007, for certain PCT fees to foreign offices.

The fee schedule is available on our Web site at www.uspto.gov. The most up-to-date fee amounts and information, as well as the complete listing and description of fees, are also available on our Web site. Any future changes to the fees will be posted to the Web site.

If you have any questions related to patents and trademarks, please call the USPTO Contact Center at (571) 272-1000 or (800) 786-9199.

Chief Financial Officer

UNITED STATES PATENT AND TRADEMARK OFFICE Effective September 30, 2007 *

Any fee amount paid on or after September 30, 2007, must be paid as shown in the revised fee schedule. The fees subject to reduction for small entities that have established status (37 CFR 1.27) are shown in a separate column. For additional information, please call the USPTO Contact Center at (571) 272-1000 or (800) 786-9199.

* The effective date for the fee amounts for PCT fee codes 1602 and 1604 is November 9, 2007. The effective date for the fee amount for Trademark fee code 7212 is November 10, 2007. The effective date for the fee amounts for PCT fee codes 1701, 1702, and 1710 is November 15, 2007.

Fee Code	37 CFR	Description	Fee		Entity Fee	
	cation Filing Fee					
1011/2011	1.16(a)(1)	Basic filing fee - Utility filed on or after December 8, 2004	310		155.00	
4011†	1.16(a)(1)	Basic filing fee - Utility (electronic filing) filed on or after December 8, 2004		N/A	75.00	
1001/2001	1.16(a)(2)	Basic filing fee - Utility filed before December 8, 2004	810		405.00	
1201/2201	1.16(h)	Independent claims in excess of three	210		105.00	
1202/2202	1.16(i)	Claims in excess of 20		.00	25.00	
1203/2203	1.16(j)	Multiple dependent claim	370		185.00	
1051/2051	1.16(f)	Surcharge - Late filing fee or oath or declaration	130		65.00	
1081/2081	1.16(s)	Utility Application Size Fee - for each additional 50 sheets	260		130.00	
1012/2012	1.16(b)(1)	Basic filing fee - Design filed on or after December 8, 2004	210		105.00	
1002/2002	1.16(b)(2)	Basic filing fee - Design filed before December 8, 2004	360		180.00	
1017/2017	1.16(b)(1)	Basic filing fee - Design (CPA) filed on or after December 8, 2004	210		105.00	
1007/2007	1.16(b)(2)	Basic filing fee - Design (CPA) filed before December 8, 2004	360		180.00	
1082/2082	1.16(s)	Design Application Size Fee - for each additional 50 sheets	260		130.00	
1.013/2013	1.16(c)(1)	Basic filing fee - Plant filed on or after December 8, 2004	210		105.00	
1003/2003	1.16(c)(2)	Basic filing fee - Plant filed before December 8, 2004	570		285.00	
1083/2083	1.16(s)	Plant Application Size Fee – for each additional 50 sheets	260		130.00	
1014/2014	1.16(e)(1)	Basic filing fee - Reissue filed on or after December 8, 2004	310		155.00	
1004/2004	1.16(e)(2)	Basic filing fee - Reissue filed before December 8, 2004	810		405.00	
1019/2019	1.16(e)(1)	Basic filing fee - Design Reissue (CPA) filed on or after December 8, 2004	310		155.00	
1009/2009	1.16(e)(2)	Basic filing fee - Design Reissue (CPA) filed before December 8, 2004	810		405.00	
1204/2204	1.16(h)	Reissue independent claims in excess of three	210		105.00	
1205/2205	1.16(i)	Reissue claims in excess of 20		.00	25.00	
1084/2084	1.16(s)	Reissue Application Size Fee – for each additional 50 sheets	260		130.00	
1005/2005	1.16(d)	Provisional application filing fee	210		105.00	
1085/2085	1.16(s)	Provisional Application Size Fee - for each additional 50 sheets	260		130.00	
1052/2052	1.16(g)	Surcharge - Late provisional filing fee or cover sheet		.00	25.00	
1053	1.17(i)	Non-English specification	130	.00		
Patent Searc	h Fees					
1111/2111	1.16(k)	Utility Search Fee	510	.00	255.00	
1112/2112	1.16(l)	Design Search Fee	100	.00	50.00	
1113/2113	1.16(m)	Plant Search Fee	310	.00	155.00	
1114/2114	1.16(n)	Reissue Search Fee	510	.00	255.00	
Patent Exam	ination Fees					
1311/2311	1.16(o)	Utility Examination Fee	210	.00	105.00	
1312/2312	1.16(p)	Design Examination Fee	130	.00	65.00	
1313/2313	1.16(q)	Plant Examination Fee	160	.00	80.00	
1314/2314	1.16(r)	Reissue Examination Fee	620	.00	310.00	
Patent Post	Allowance Fees					
1501/2501	1.18(a)	Utility issue fee	1,440	00.0	720.00	
1501/2501	1.18(a) 1.18(b)	Design issue fee	820		410.00	
1502/2502	1.18(c)	Plant issue fee	1,130		565.00	
1511/2511	1.18(c) 1.18(a)	Reissue issue fee	1,440		720.00	
1511/2511	1.18(d)	Publication fee for early, voluntary, or normal publication	-	0.00		
1505	1.18(d) 1.18(d)	Publication fee for republication		0.00		
1303	1.10(a)	• • • • • • • • • • • • • • • • • • • •				

[†] The 4000 series fee code may be used via EFS-Web at www.uspto.gov/ebc/efs/.

Fee
Code

Code	37 CFR	Description	Fee
	o, crk	Description	ree
Trademark 1	Processing Fees	•	
6001	2.6(a)(1)(i)	Application for registration, per international class (paper filing)	375.00
7001	2.6(a)(1)(ii)	Application for registration, per international class (electronic filing)	325.00
7007	2.6(a)(1)(iii)	Application for registration, per international class (electronic filing, TEAS Plus)	275.00
5002/7002	2.6(a)(2)	Filing an Amendment to Allege Use under § 1(c), per class	100.00
5003/7003	2.6(a)(3)	Filing a Statement of Use under § 1(d)(1), per class	100.00
5004/7004	2.6(a)(4)	Filing a Request for a Six-month Extension of Time for Filing a Statement of Use under § 1(d)(1), per class	150.00
005/7005	2.6(a)(15)	Petitions to the Director	100.00
006	2.6(a)(19)	Dividing an application, per new application (file wrapper) created	100.00
008/7008	2.6(a)(1)(iv)	Additional fee for application that doesn't meet TEAS Plus filing requirements, per class	50.00
201/7201	2.6(a)(5)	Application for renewal, per class	400.00
203/7203	2.6(a)(6)	Additional fee for filing renewal application during grace period, per class	100.00
204	2.6(a)(21)	Correcting a deficiency in a renewal application	100.00
205/7205	2.6(a)(12)	Filing § 8 affidavit, per class	100.00
206/7206	2.6(a)(14)	Additional fee for filing § 8 affidavit during grace period, per class	100.00
207	2.6(a)(20)	Correcting a deficiency in a § 8 affidavit	100.00
208/7208	2.6(a)(13)	Filing § 15 affidavit, per class	200.00
210	2.6(a)(7)	Publication of mark under § 12(c), per class	100.00
211	2.6(a)(8)	Issuing new certificate of registration	100.00
212/7212	2.6(a)(9)	Certificate of correction, registrant's error	100.00
213	2.6(a)(10)	Filing disclaimer to registration	100.00
214	2.6(a)(11)	Filing amendment to registration	100.00
401/7401	2.6(a)(11)	Petition for cancellation, per class	300.00
402/7402	2.6(a)(17)	Notice of opposition, per class	300.00
403/7403	2.6(a)(18)	Ex parte appeal, per class	100.00
		·	100.00
	Madrid Protocol		
901/7901	7.6(a)(1)	International application based on single application or registration, per class	100.00
902/7902	7.6(a)(2)	Certifying an International application based on more than one basic application	150.00
903/7903	7.6(a)(3)	Transmitting a Request to Record an Assignment or restriction under § 7.23 or 7.24	100.00
904/7904	7.6(a)(4)	Filing a Notice of Replacement, per class	100.00
905/7905	7.6(a)(5)	Filing an affidavit under § 71 of the Act	100.00
906/7906	7.6(a)(6)	Surcharge for filing affidavit under § 71 of the Act during grace period, per class	100.00
907/7907	7.6(a)(7)	Transmitting a subsequent designation	100.00
	ervice Fees		
501	2.6(b)(1)	Printed copy of registered mark, delivery by USPS, USPTO Box, or electronic means	3.00
503	2.6(b)(4)(i)	Certified copy of registered mark, with title and/or status, regular service	15.00
504	2.6(b)(4)(ii)	Certified copy of registered mark, with title and/or status, expedited local service	30.00
507	2.6(b)(2)	Certified copy of trademark application as filed	15.00
508	2.6(b)(3)	Certified or uncertified copy of trademark-related file wrapper and contents	50.00
513	2.6(b)(5)	Certified or uncertified copy of trademark document, unless otherwise provided	25.00
514	2.6(b)(7)	For assignment records, abstracts of title and certification per registration	25.00
902	2.6(b)(9)	Self-service copy charge, per page	0.25
521	2.6(b)(6)	Recording trademark assignment, agreement or other paper, first mark per document	40.00
522	2.6(b)(6)	For second and subsequent marks in the same document	25.00
523	2.6(b)(10)	Labor charges for services, per hour or fraction thereof	40.00
3524	2.6(b)(11)	Unspecified other services, excluding labor	AT COST
	ality Act Fees		
991	2.7(a)	Recordal application fee	20.00
992	2.7(b)	Renewal application fee	20.00
993	2.7(c)	Late fee for renewal application	20.00

^{*} The 7000 series fee code (e.g., 7001, 7002, etc.) is used for electronic filings via TEAS, which is available at www.uspto.gov/teas/. In addition, the 6000 series fee codes under the Trademark Madrid Protocol Fees are being offered for use as a paper-based filing alternative.

Fee Code	37 CFR	Description	Fee		all Entity Fee (if applicable)
D-44 M-54	F				
Patent Maint		Due et 2 farens	930	۸۸	465.00
1551/2551	1.20(e)	Due at 3.5 years	2,360		1,180.00
1552/2552	1.20(f)	Due at 7.5 years	3,910		1,955.00
1553/2553	1.20(g)	Due at 11.5 years	130		65.00
1667	1.20(h)	Surcharge - Late payment within 6 months	700		65.00
1557	1.20(i)(1)	Surcharge after expiration - Late payment is unavoidable	1,640		
1558	1.20(i)(2)	Surcharge after expiration - Late payment is difficultional	1,040	.00	
Miscellaneou	us Patent Fees				
1801/2801	1.17(e)	Request for Continued Examination (RCE) (see 37 CFR 1.114)	810	.00	405.00
1808	1.17(i)	Processing fee, except in provisional applications	130	.00	
1803	1.17(i)	Request for voluntary publication or republication	130	.00	
1802	1.17(k)	Request for expedited examination of a design application	900	.00	
1804	1.17(n)	Request for publication of SIR - Prior to examiner's action	920.0	*00	
1805	1.17(o)	Request for publication of SIR - After examiner's action	1,840.0	*00	
1806	1.17(p)	Submission of an Information Disclosure Statement	180		
1807	1.17(g)	Processing fee for provisional applications		.00	
1809/2809	1.17(r)_	Filing a submission after final rejection (see 37 CFR 1.129(a))	810		405.00
1810/2810	1.17(s)	For each additional invention to be examined (see 37 CFR 1.129(b))	810	.00	405.00
-Post Issuance			•••	•	
1811	1.20(a)	Certificate of correction	100		
1812	1.20(c)(1)	Request for ex parte reexamination	2,520		
1813	1.20(c)(2)	Request for inter partes reexamination	8,800		105.00
1821/2821	1.20(c)(3)	Reexamination independent claims in excess of three	210		105.00
1822/2822	1.20(c)(4)	Reexamination claims in excess of 20		.00	25.00
1814/2814	1.20(d)	Statutory disclaimer	130	.00	65.00
Patent Exten	sions of Time F	ees			
1251/2251	1.17(a)(1)	Extension for response within first month	120	.00	60.00
1252/2252	1.17(a)(2)	Extension for response within second month	460	.00	230.00
1253/2253	1.17(a)(3)	Extension for response within third month	1,050	.00	525.00
1254/2254	1.17(a)(4)	Extension for response within fourth month	1,640	.00	820.00
1255/2255	1.17(a)(5)	Extension for response within fifth month	2,230	.00	1,115.00
Dotomt A	, , , ,	Food			
1401/2401	als/Interference 41.20(b)(1)	Notice of appeal	510	.00	255.00
		Filing a brief in support of an appeal	510		255.00
1402/2402 1403/2403	41.20(b)(2) 41.20(b)(3)	Request for oral hearing	1,030		515.00
1403/2403	41.20(0)(3)	Request for oral nearing	1,000		
Patent Petition	on Fees	•			
1462	1.17(f)	Petitions requiring the petition fee set forth in 37 CFR 1.17(f) (Group I)	400		
1463	1.17(g)	Petitions requiring the petition fee set forth in 37 CFR 1.17(g) (Group II)	200	.00	•
1464	1.17(h)	Petitions requiring the petition fee set forth in 37 CFR 1.17(h) (Group III)		:00	
1451	1.17(j)	Petition to institute a public use proceeding	1,510		
1452/2452	1.17(l)	Petition to revive unavoidably abandoned application	510	.00	255.00
1453/2453	1.17(m)	Petition to revive unintentionally abandoned application	1,540	.00	770.00
1454	1.17(t)	Acceptance of an unintentionally delayed claim for priority, or for filing a			
	• •	request for the restoration of the right of priority	1,410		
1455	1.18(e)	Filing an application for patent term adjustment	200		
1456	1.18(f)	Request for reinstatement of reduced term		00.0	
1457	1.20(j)(1)	Extension of term patent	1,120		
1458	1.20(j)(2)	Initial application for interim extension (see 37 CFR 1.790)		0.00	
1459	1.20(j)(3)	Subsequent application for interim extension (see 37 CFR 1.790)	220	0.00	

^{*} Reduced by basic filing fee paid.

Fee		
Code	37 CFR	Description
Patent Se	rvice Fees	
8001	1.19(a)(1)	Printed copy of patent w/o color, delivery by USPS, USPTO Box, or electronic means
8003	1.19(a)(2)	Printed copy of plant patent in color
8004	1.19(a)(3)	Color copy of patent (other than plant patent) or SIR containing a color drawing
8005	1.19(a)(1)	Patent Application Publication (PAP)
8007	1.19(b)(1)(i)(A)	Copy of patent application as filed
8008	1.19(b)(1)(i)(B)	Copy of patent-related file wrapper and paper contents of 400 or fewer pages
8009	1.19(b)(1)(i)(C)	Each additional 100 pages of patent-related file wrapper and (paper) contents, or portion thereof
8010	1.19(b)(1)(i)(D)	Certification of patent-related file wrapper and (paper) contents
8011	1.19(b)(1)(ii)(B)	Copy of patent-related file wrapper and contents if provided electronically or on a physical electronic medium as specified in § 1.19(b)(1)(ii)
8012	1.19(b)(1)(ii)(C)	Each continuing physical electronic medium in single order of § 1.19(b)(1)(ii)(B)

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1.19(b)(2)(i)(B)

1.19(b)(2)(ii)

1.19(b)(3)

1.19(b)(4)

1.19(c)

1.19(d)

1.19(e)

1.19(f)

1.19(g)

1.21(d)

1.21(e)

1.21(g)

1.21(h)

1.21(i)

1.21(i)

1.21(k)

1.21(l)

1.21(n)

8027 1.296 Handling fee for withdrawal of SIR 130.00 **GENERAL FEES** Finance Service Fees Establish deposit account 9201 1.21(b)(1) or 10.00 2.6(b)(13)(i) 9202 1.21(b)(2) or Service charge for below minimum balance 25.00 2.6(b)(13)(ii) 9202 1.21(b)(3) Service charge for below minimum balance restricted subscription deposit account 25.00 Processing each payment refused or charged back 50.00 9101 1.21(m) or 2.6(b)(12) Computer Service Fees AT COST 8031/8531 Computer records

1.19(b)(2)(i)(A) Copy of patent-related file wrapper contents, other than as available in § 1.19(b)(1);

first physical electronic medium in a single order

§ 1.19(b)(2)(i)(A)

Copy of office records, except copies of applications as filed

For assignment records, abstract of title and certification, per patent

Library service

List of U.S. patents and SIRs in subclass

Uncertified statement re status of maintenance fee payments

Copy of non-U.S. document

Petitions for documents in form other than that provided by this part, or in form other than

that generally provided by Director, to be decided in accordance with merits

Local delivery box rental, annually

International type search report

Self-service copy charge, per page

Recording each patent assignment, agreement or other paper, per property

Publication in Official Gazette

Labor charges for services, per hour or fraction thereof

Unspecified other services, excluding labor

Retaining abandoned application

Handling fee for incomplete or improper application

Each continuing copy of patent-related file wrapper and contents as specified in

Copy of patent-related file wrapper contents other than as available in § 1.19(b)(1); provided electronically other than on a physical electronic medium

Fee

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Fee		Small	Entity Fee
Code 37 CFR Description F	ee	(if	applicable)
PCT Fees - National Stage			
1631/2631 1.492(a) Basic National Stage Fee	310.	00	155.00
	100.		50.00
• • • • • • • • • • • • • • • • • • • •	410.		205.00
	510.		255.00
t t t t	210.		105.00
	210.		105.00
1615/2615 1.492(e) Claims - extra total (over 20)	50.		25.00
	370.		185.00
	260.	00	130.00
1617/2617 1.492(h) Oath or declaration after 30 months from priority date	130.	00	65.00
1618 1.492(i) English translation after 30 months from priority date	130.	00	
DCT Face Intermediated Characteristics			
PCT Fees - International Stage 1601 1.445(a)(1) Transmittal fee	300.0	00	
	300.	UU	
	900	00	
	800.0 800.0		
	600.		
1606 1.482(a)(1) Preliminary examination fee - U.S. was not the ISA	750.		
1607 1.482(a)(2) Supplemental examination fee per additional invention	600.		
	UABI		
1621 Transmitting application to Intl. Bureau to act as receiving office	300.0		
1021 Transmitting application to find. Dareau to act as receiving office	500.	00	
PCT Fees to Foreign Offices *			
1701 International filing fee (first thirty pages) - PCT Easy	080.	00	
1702 International filing fee - (first thirty pages)	163.	00	
Supplemental international filing fee (for each page over thirty)	12.0		
1704 International search (EPO)	197.	00	
1705 Handling fee	155.0	00	
1706 Handling fee – 75% reduction, if applicant(s) meets criteria specified at:			
www.wipo.int/pct/en/fees/fee_reduction.pdfpdf	38.		
	800.		
	232.	00	
1710 International filing fee (first 30 pages) – filed electronically w/ PCT			
Easy file	997.	00	
Patent Enrollment Fees			
9001 1.21(a)(1)(i) Application fee (non-refundable)	40.	00	
9003 1.21(a)(2) Registration to practice or grant limited recognition under §11.9(b) or (c)	100.	00	
9004 1.21(a)(3) Reinstatement to practice	40.	00	
9005 1.21(a)(4) Certificate of good standing as an attorney or agent	10.		
9006 1.21(a)(4) Certificate of good standing as an attorney or agent, suitable for framing	20.	00	
9010 1.21(a)(1) For test administration by commercial entity	200.	00	
(ii)(A)			
9011 1.21(a)(1) For test administration by the USPTO	450.	00	
(ii)(B)			
9012 1.21(a)(5)(i) Review of decision by the Director of Enrollment and Discipline			
under §11.2(c)	130.	UU	
9013 1.21(a)(5)(ii) Review of decision of the Director of Enrollment and Discipline		00	
under §11.2(d)	130.	00	
9014 1.21(a)(10) Application fee for person disciplined, convicted of a felony or certain	600	00	
misdemeanors under §11.7(h)	600.	UU	

^{*} PCT Fees to Foreign Offices are subject to periodic change due to fluctuations in exchange rates. Refer to the Official Gazette of the United States Patent and Trademark Office for current amounts.

UNITED STATES PATENT AND TRADEMARK OFFICE

P.O. Box 1450

Organization _

Alexandria, Va. 22313-1450

If Undeliverable Return In Ten Days

Official Business Penalty For Private Use, \$300

AN EQUAL OPPORTUNITY EMPLOYER





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JAMES L. CIHLA

7075 BROOKTREE WAY SAN JOSE, CA 95120

USPTO MAIL CENTER

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NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD

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